

SUPPORTING STATEMENT

Title 30 Part 75.360(a)(1) and 75.360(f) - Safety Standards for Underground Coal Mine Ventilation

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

An underground mine is a maze of tunnels that must be adequately ventilated with fresh air to provide a safe environment for miners. Methane is liberated from the strata, and noxious gases and dusts from blasting and other mining activities may be present. The explosive and noxious gases and dusts must be diluted, rendered harmless, and carried to the surface by the ventilating currents. Sufficient air must be provided to maintain the level of respirable dust at or below 2 milligrams per cubic meter of air and air quality must be maintained in accordance with MSHA standards. Mechanical ventilation equipment of sufficient capacity must operate at all times while miners are in the mine. Ground conditions are subject to frequent changes, thus sufficient tests and examinations are necessary to ensure the integrity of the ventilation system and to detect any changes that may require adjustments in the system. Records of tests and examinations are necessary to ensure that the ventilation system is being maintained and that changes which could adversely affect the integrity of the system or the safety of the miners are not occurring.

Title 30 CFR Section 360(a)(1) requires that preshift examinations be conducted at 8 hour intervals. Section 360(f) requires a record which includes: the results of each preshift examination; a list of hazardous conditions and their locations found by the examiner during each examination; and the results and locations of air and methane measurements. The record must also include a notation that the hazardous conditions found during the preshift examination were corrected. This record must be countersigned by the mine foreman or equivalent mine official by the end of the mine foreman's or equivalent mine official's next regularly scheduled working shift.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The preshift examination is a critically important, fundamental safety practice in the mining industry. It has historically been a primary means of determining the effectiveness of an underground coal mine ventilation system, and of detecting hazardous conditions and practices. The preshift examination has proven to be particularly effective because it provides a thorough safety check before work commences underground on the shift for which the examination is conducted. A preshift examination can detect developing hazards as well as existing hazards. The information is available to all interested persons at the mine to assure them that the integrity of the ventilation system is being provided for the miners. MSHA inspectors use the records to determine that preshift examinations, required by the regulations, are made.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

No improved information technology has been identified that would reduce the burden.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No similar or duplicate information exists. The records are the results of tests and examinations conducted at individual mines by the mine operator. The mine operator has the option of conducting a portion of the additional preshift examination concurrently with the on-shift examination. In this instance, the additional preshift examination essentially would consist of the examination of outby areas not covered by an on-shift examination such as travelways, work areas, and electrical installations. Also, where similar tests and examinations are required by both State agencies and MSHA, the tests are conducted simultaneously and one record is accepted by both agencies. The agency has clarified that state approved books are acceptable for records required by MSHA.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), and MSHA regulations and standards apply to all operations, regardless of size, because accidents, injuries, and illnesses can occur at any mine regardless of size. Congress

intended that the Mine Act be enforced at all mining operations within its jurisdiction regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Mine Act. However, Congress did recognize that small operations may face problems in complying with some Mine Act provisions. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses when obtaining any information under the Act. This information collection does not have a significant impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

MSHA believes that the recordkeeping requirements for ventilation tests and examinations are the minimum necessary to ensure that mines are safe and adequately ventilated. Reduction in these requirements may result in unsafe conditions developing, thus jeopardizing miners. Section 101(a)(9) of the Mine Act forbids the agency to reduce the protection given miners by any existing standard.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other

confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection of information is consistent with the guidelines in 5 CFR Part 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA does not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided to respondents. Records are maintained by the mine operator and reviewed by MSHA inspectors during routine inspections.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour

burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Section 75.360(a)(1)

There are 127 underground coal mines (75 small and 52 large) that would need to conduct an additional preshift exam per day as a result of proposed § 75.360(a)(1). The mine operator has the option of conducting a portion of the additional preshift examination concurrently with the on-shift examination. Therefore, the compliance costs of the additional preshift examination essentially consist of the examination of outby areas not covered by an on-shift examination, such as travelways, work areas, and electrical installations. Since large mines generally have longer outby travelways and more outby work areas and electrical installations to be examined than small mines, the additional time to perform the preshift examination would take longer in large mines. It is estimated to take an additional hour in a large underground mine and an additional 45 minutes (0.75 hours) in a small underground mine to conduct the exam. The estimated wage rate for an examiner to conduct the exam would be about \$27.56 (based on data from the U.S. Coal Mine Salaries, Wages, & Benefits - 2000 Survey Results) per hour. On average, large underground coal mines are assumed to work between 2 to 4 shifts (for an average of 3 shifts) for 250 work days per year. On average, small underground coal mines are assumed to work 1 shift for 160 work days.

Annual burden hours related to examination

0.75 hrs. x 75 sm. mines x 1 shift	
x 160 workdays (12,000 responses)	= 9,000 hours
1 hr. x 52 lg. mines x 3 shifts	
x 250 workdays (39,000 responses)	= <u>39,000 hours</u>
	48,000 hours

Annual costs related to exam

9,000 hrs. x \$27.56	= \$ 248,040
39,000 hrs. x \$27.56	= <u>\$1,074,840</u>
	\$1,322,880

Section 75.360(f)

A record would have to be made of the additional preshift exams. MSHA assumes the examiner conducting the exam would make the record and earn \$27 per hour. On average, MSHA estimates that it would take 15 minutes (0.25 hours) in a small mine and 30 minutes (0.5 hours) in a large mine, to make the record.

Annual burden hours related to making records

0.25 hrs. x 75 sm. mines x 1 shift x 160 workdays	= 3,000 hours
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0.5 hrs. x 52 lg. mines x 3 shifts x 250 workdays	= <u>19,500 hours</u>
	22,500 hours

Annual costs related to making records

3,000 hrs. x \$27.56	= \$ 82,680
19,500 hrs. x \$27.56	= <u>\$537,420</u>
	\$620,100

In addition the record would need to be countersigned by the mine foreman or equivalent mine official. MSHA estimates the mine foreman's wage rate to be \$54.53 per hour. On average, MSHA estimates that it would take 5 minutes (0.0833 hours) in a small mine and 10 minutes (0.1667 hours) in a large mine, for the mine foreman or equivalent mine official to review and countersign the record.

Annual burden hours related to countersigning

0.0833 hrs. x 75 sm. mines x 1 shift x 160 workdays	= 1,000 hours
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0.1667 hrs. x 52 lg. mines x 3 shifts x 250 workdays	= <u>6,501 hours</u>
	7,501 hours

Annual costs related to countersigning

1,000 hrs. x \$54.53	= \$ 54,530
6,501 hrs. x \$54.53	= <u>\$354,500</u>
	\$409,030

TOTAL BURDEN HOURS:	78,001
TOTAL BURDEN COSTS:	\$2,352,010

13. Provide an estimate of the total annual cost burden to respondents or

recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no additional costs.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The time and cost to the government are included 1219-0088.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

This ICR does not change the burden hours currently reported. However an increase in the number of responses (from 901 to 102,000) is due to an adjustment in the calculations previously used.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA has no plans to publish the information obtained through this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA is not seeking approval to either display or not display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no certification exceptions identified with this information collection.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.

1219-0125
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